

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PASCAL GEDEON,
Plaintiff

v.

THE ATTORNEY GENERAL, *et al.*,
Defendants

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CIVIL ACTION NO. 22-CV-3595

ORDER

AND NOW, this 8th day of December, 2022, upon consideration of Plaintiff Pascal Gedeon's Motion to Vacate (ECF No. 16), Motion to Clarify Claims Related to Due Process (ECF No. 17), and Amended Complaint (ECF No. 19), it is **ORDERED** that:

1. Mr. Gedeon's Motion to Vacate (ECF No. 16) and Motion to Clarify Claims Related to Due Process (ECF No. 17) are **DENIED**.
2. Mr. Gedeon's individual capacity claims against Defendants R. Kistler and Dr. Dalmasi for delay in treating his allergy symptoms and his individual capacity claims against Defendants Mendek and Flannary for placing him in a cell with no access to drinking water will be served for a responsive pleading.
3. The Clerk of Court is **DIRECTED** to terminate as Defendants the United States, the Attorney General, the Assistant Attorney General, the Deputy Attorney General, the Associate Attorney General, the Director of the Bureau of Prisons, the Detention Trustee, the Bureau of Prisons, FDC Philadelphia, the Warden of the FDC Philadelphia, the Assistant Warden of FDC Philadelphia, DHO, Officer Valentine, Officer Freeman, Officer Cole, Lieutenant Jones; and the 8 Unknown Correctional Officers.
4. The Clerk of Court shall issue summonses to Defendants R. Kistler, Dr. Dalmasi, Mendek and Flannary **only**. Service of the summonses and the Complaint shall be made upon

Defendants by the U.S. Marshals Service in accordance with Federal Rule of Civil Procedure 4(i). Mr. Gedeon will be required to complete USM-285 forms so that the Marshals can serve Defendants. Failure to complete those forms may result in dismissal of this case.

5. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)”

6. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. Mr. Gedeon is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

7. Mr. Gedeon is specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.” Mr. Gedeon

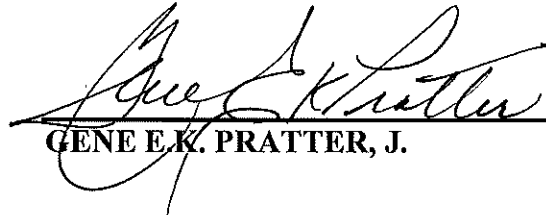
shall attempt to resolve any discovery disputes by contacting Defendants' counsel directly by telephone or through correspondence.

8. No direct communication is to take place with the United States District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

9. In the event a summons is returned unexecuted, it is Mr. Gedeon's responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant's correct address, so service can be made.

10. The parties should notify the Clerk's Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties' legal rights.

BY THE COURT:



GENE E.K. PRATTER, J.